

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52177 of 2025

Arising Out of PS. Case No.-156 Year-2025 Thana- BARHARIA District- Siwan

1. Sipahi Bhagat S/O Lagan Bhagat Village- Bhalua, P.S.- Barharia, Dist.- Siwan
2. Laljhari Devi W/O Sipahi Bhagat Village- Bhalua, P.S.- Barharia, Dist.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Sanjay Parasmani, Adv.
For the Opposite Party/s :	Mr.Brajendra Nath Pandey, APP
	Mr. Ranjan Kumar Dubey, Adv.
	Mr. Kumar Gaurav, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-08-2025 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The present Criminal Miscellaneous Application has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioners who apprehend their arrest in connection with Barharia P.S. Case No.156 of 2025, for the offences punishable under Sections 318(4), 336(3), 338, 340(2)/ 3(5) of the BNS, 2023.

3. As per the prosecution, FIR has been lodged against the present petitioners against whom there is allegation that petitioners are resident of Siwan received information that



accused persons have created fake documents and on the basis of sale deed of 1941, tried to capture the land. It has been alleged by the informant that by virtue of the alleged sale deed of 1941, they want to mutate the land in their favour in the year 2022. It has also been stated that a forged gift deed has been prepared in 1994 for which a transfer case has been filed in the year 2021, but the sale deed was rejected. It has been further alleged that the accused persons have tried to mislead the court and instead of sale deed, a forge and fabricated gift deed of 23.12.1994 has been placed. It has also been alleged that the accused persons have already sold the entire property in the year 1941 by sale deed and tried to cancel the gift deed and BLDR and DCLR appeal have also been filed. In this way, the accused persons tried to mislead the court.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel also submits that by virtue of a sale deed, they are claiming the land and by virtue of forge and fabricated gift deed, the informant is trying to mislead and take the land.

5. Counsel further submits that the complaint case has been filed in the year 2006 which was converted into FIR under section 156(3) of the IPC. According to him, the complaint case



i.e., Barhariya P.S. Case No.133 of 2006 has already been quashed (annexure-P/3).

6. Counsel further submits that both petitioners are aged about 56 years and they are ready to fulfill all the conditions whatsoever imposed by this Court, but since their land is in dispute and multiple cases are going. Therefore, with a view to stop, the present case has been filed which has no existence at all.

7. Counsel submits that there are two criminal antecedent of the petitioner No.1 and petitioner No.2 has one criminal antecedent.

8. Counsel for the informant vehemently opposes the prayer for bail and submits that in the present case, it is the petitioners who are playing fraud with the parties as well as with the court. They have not come with clean hand as after 1941, they have not come forward. In the year 2022, they all of a sudden woke up and in connivance with the Revenue Authority, got mutation in favour of their ancestors, who are no more.

9. Counsel further submits that the entire fraud played at the instance of petitioner No.1 and 2. He further submits that it is true that *prima facie* it transpires that there is civil litigation, but only going civil litigation is not sufficient to identify the



dispute rather civil litigation is going, but it is also true that the allegation of forge and fabricated documents and by committing forgery, change of mutation is also there. Therefore, their bail application may be rejected.

10. Learned APP for the State opposes the prayer for bail of the petitioners and submits that a complex question of title and possession is involved here.

11. As such, in the present facts and circumstances of this case, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of A.C.J.M.-III, Siwan in connection with Barharia P.S. Case No.156 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

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